

1 CHIEF JUDGE RICARDO S. MARTINEZ
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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 UNITED STATES OF AMERICA,) No. CR20-124-RSM
8 Plaintiff,)
9 v.) ORDER GRANTING FOURTH
10 JOHN WESLEY STEWART,) UNOPPOSED MOTION TO
11 Defendant.) CONTINUE TRIAL AND PRETRIAL
MOTIONS DATES
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THE COURT has considered Mr. Stewart's fourth unopposed motion to continue the trial date and pretrial motions deadline and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for Mr. Stewart the time necessary for effective preparation due to counsel's need to obtain additional records from Mr. Stewart's recent hospitalization and recuperation as well as treatment records from the Veteran's Administration. In addition, new counsel will be assigned to represent Mr. Stewart in February and will need time to review the evidence, consider possible defenses, meet with Mr. Stewart, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested is a reasonable period of delay, as counsel for Mr. Stewart has requested more time to prepare for trial, to investigate the matter, to

1 gather evidence material to the defense, and to consider possible defenses; and because
2 a new attorney will be taking over this representation in February 2022; and

3 (d) the ends of justice will best be served by a continuance, and the ends of
4 justice outweigh the best interests of the public and the defendant in any speedier trial,
5 as set forth in 18 U.S.C. § 3161(h)(7)(A); and

6 (e) the additional time requested between the current trial date of January 31,
7 2022, and the new trial date is necessary to provide counsel for the defendant the
8 reasonable time necessary to prepare for trial, considering counsel's schedule and all of
9 the facts set forth above; and

10 (f) the period of delay from the date of this order to the new trial date is
11 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

12 IT IS THEREFORE ORDERED that the trial date in this matter shall be
13 continued to July 18, 2022, and that pretrial motions shall be filed no later than June 2,
14 2022.

15 DONE this 17th day of December 2021.

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18 RICARDO S. MARTINEZ
19 CHIEF UNITED STATES DISTRICT
20 JUDGE

21 Presented by:

22 s/ *Michael Filipovic*
23 Federal Public Defender
24 Attorney for John Stewart